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Attorneys for: FRANCIS CLEMENT

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**FRANCIS CLEMENT
KENNETH JOHNSON**

Defendant.

Criminal case No. 20-CR-238-JLT-SKO

**JOINT MOTION FOR EXTENSION OF
TIME TO FILE NOTICE OF APPEAL
AND REQUEST FOR EXPEDITED
RULING**

Defendants, by counsel, hereby request that this Court give this motion expedited consideration and extend the time for filing a Notice of Appeal for twenty-seven (27) days, to and including July 3, 2025. **Expedited consideration is required because of the pending Notice of Appeal Deadline of June 6, 2025.** As grounds providing good cause, states:

1. The judgment and conviction entered on the court's docket on May 23, 2025 (ECF Doc. 1915), making the Notice of Appeal due on or before June 6, 2025. See Fed. R. App. Procedure Rule 4(b)(1)(A)(i) (a defendant's notice of appeal must be filed within 14 days of the entry of judgment). See also *id.*, Rule 4 (b)(6): "Entry defined. A judgment or order is entered for purposes of this Rule 4(b) when it is entered on the criminal docket."

2. This Court has authority to extend the time for filing the Notice of Appeal. See Fed. R. App. Procedure Rule 4(b)(4) (authorizing extensions “[u]pon a finding of excusable neglect or good cause”).

3. Good cause exists because the Magistrate has not yet ruled on Defendants Johnson and Clement’s Joint Motion to Compel Production (Doc. 1883), filed May 8, 2025. The Magistrate has ordered the Government to respond by May 28, 2025, set a Reply due date of June 6, 2025, and set a hearing date of June 18, 2025. See Doc. 1900 (Minute Order).

4. While a motion for new trial may be filed and litigated while the case is on appeal, it is less clear that the pending Motion to Compel can be litigated after filing of the Notice of Appeal absent filing of the motion for new trial. Counsel cannot fully investigate, consider and prepare a motion for a new trial without having a decision on the currently pending Motion to Compel. The Court should extend the deadline for filing the notice of appeal so that counsel can effectively and efficiently litigate the issues raised in the Motion to Compel and follow up in whatever way needed following the results of that motion.

5. As a matter of judicial economy, the deadline to appeal should be extended while this motion is pending and set.

Dated: May 29, 2025.

/s/Jane Fisher-Byrialsen

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 2025, I served a true and correct copy of the foregoing via ECF to:

All counsel of record

/s/ Abby Clement

Abby Clement, Paralegal